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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,752	07/22/2003	Leonard M. Walsh	EH-10667	6482
30188	7590	04/29/2005	EXAMINER	
PRATT & WHITNEY 400 MAIN STREET MAIL STOP: 132-13 EAST HARTFORD, CT 06108			SMITH, SCOTT A	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,752

Applicant(s)

WALSH, LEONARD M.

Examiner

Scott A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 8-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 now recites that the handle is movable from a first position in proximity to a first end, and a second position in proximity to a second end of the slider when the slider strikes the stop. The specification fails to disclose that the handle is proximal to a first and second specifically during operation, especially when the slider strikes the stop. The specification merely states that the handle rotates along a path R during use. Regarding claims 14 and 20, there is not disclosure that the handle moves in a direction parallel to the sleeve axis. The handle moves in an arcuate path R.

Claims 8-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is confusing since it cannot be clearly understood how the handle moves from the first to the second position when the slider strikes the stop. During such an impact, it would appear that the handle would only have minimal movement, certainly not of the claimed range; i.e. from the first to the second position. Claims 14 and 20

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appear to be inaccurate in that the handle movement is arcuate, not parallel, as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 11, 12, 14, 17, 18, 20, 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cloud.

Cloud discloses the invention as claimed including a shaft 110, striking surfaces 112, 114, a slider 118, and a handle 122 movably attached to the slider, wherein the handle has a gripping portion located a distance away from the slider such that a user can grasp the handle with the wrist in a “normal” position, as broadly claimed, and the handle being isolated from impact stresses and movable between proximal and distal position relative to an axis of the shaft.

Claims 1, 2, 5, 6, 8, 10-12, 14, 16-18, 20, 21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al.

Hull et al. discloses the invention as claimed including a shaft 18, striking surfaces 20, a slider 22, and a handle on each side of the slider including a pair of legs 34 and a gripping portion 36 movably attached to the slider and located a distance away from the slider such that a user can grasp the handle with the wrist in a “normal”

position, as broadly claimed, and the handle being isolated from impact stresses and movable between proximal and distal position relative to an axis of the shaft.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 9, 13, 15, 19, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. in view of Baker or Matsumoto et al.

Hull et al. lacks the rotatable handle, as claimed. Baker and Matsumoto et al. each disclose an impact tool comprising a handle including leg portions and a gripping portion rotatable relative to a body or slider during tool impact, wherein the gripping portion is transverse to a longitudinal axis of the body or slider. In view of the teachings of Baker or Matsumoto et al., it would have been obvious to one skilled in the art to provide Hull et al. with a movable handle which rotates and is oriented as claimed in order to allow for an alternative handle grasping orientation, and since to do provides no new and unexpected results.

Claims 9, 10, 13, 15, 16, 19, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud in view of Baker or Matsumoto et al.

Cloud lacks the rotatable handle, as claimed. Baker and Matsumoto et al. each disclose an impact tool comprising a handle including leg portions and a gripping portion rotatable relative to a body or slider during tool impact, wherein the gripping portion is

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transverse to a longitudinal axis of the body or slider. In view of the teachings of Baker or Matsumoto et al., it would have been obvious to one skilled in the art to provide Cloud with a movable handle which rotates and is oriented as claimed in order to allow for an alternative handle grasping orientation, and since to do provides no new and unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Smith whose telephone number is 571-272-4469. The examiner can normally be reached on 5:30-4:00 Tues.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith



SCOTT A. SMITH
PRIMARY EXAMINER